



09-07-04

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Practitioner's Docket No. 49975 RCE(70904)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: I. Nakano  
Application No.: 09/619,279 Group No.: 2652  
Filed: July 19, 2000 Examiner: Battaglia, Michael V.  
For: LENS, OPTICAL PICKUP DEVICE, AND METHOD FOR DETECTING LENS  
INCLINATION

Mail Stop: RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATION FILING VIA EXPRESS MAIL UNDER 37 C.F.R. 1.10\***

I hereby certify that this correspondence and the documents indicated as being attached thereto are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service, Express Mail Mailing Label No. **EV 437816226 US** under 37 C.F.R. 1.10 in an envelope addressed to: Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on September 3, 2004.

Kathryn A. Grindrod

(type or print name of person mailing paper)

*Kathryn A. Grindrod*

Signature of person mailing paper

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of issue fee
  - ☐ Issue fee has been paid but a petition under Section 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

09/07/2004 SDENB0B1 00000113 09619279

01 FC:1801 770.00 OP  
02 FC:1251 110.00 OP

(Request for Continued Examination (RCE))--page 1 of 5

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145  
☐ Commencement of a civil action under 35 U.S.C. 146  
☐ Prior to the filing of such appeal or commencement of civil action  
☐ Such appeal or commencement of civil action has been terminated

### ENCLOSURES

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. Section 1.98)  
☐ Form PTO-1449 (PTO/SB/08A and 08B)  
☒ An amendment  
☐ New arguments  
☐ New evidence in support of patentability-  
☐ Other:

### FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity) \$385.00  
☒ Other than a small entity \$770.00

Continued Prosecution Request Fee \$ 770.00

### FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)						(Col. 2)		(Col. 3) SMALL ENTITY		OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment			Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee		
Total	30	Minus	39	= 0	x \$ 9	\$0			x \$18 =	\$-0-		
Indep.	10	Minus	14	= 0	x \$42 =	\$0			x \$84 =	\$-0-		
[ ] First Presentation of Multiple Dependent Claim						+ \$140 =		\$0	+ \$280 =		\$-0-	

Total Addit. Fee \$180.00

*(complete (c) or (d), as applicable)*

(c) ☒ No additional fee is required.

OR

(d) ☐ Total additional fee required is \$ \_\_\_\_\_.

### EXTENSION OF TIME

*(If an extension of time is appropriate complete (a) or (b), as applicable)*

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension for</u> <u>(months)</u>	<u>Fee for</u> <u>small entity</u>	<u>Fee for other</u> <u>than small entity</u>
<input checked="" type="checkbox"/> one month	\$ 55	\$ 110
<input type="checkbox"/> two months	\$ 210	\$ 420
<input type="checkbox"/> three months	\$ 475	\$ 950
<input type="checkbox"/> four months	\$740	\$1,480

Fee \$ 110.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

☐ An extension for \_\_\_\_\_ month has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 110.00

OR

(b) ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE(S) DUE

**WARNING:** *The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).*

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ <u>770.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ <u>0.00</u>
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ <u>110.00</u>
Total Fee(s) Due:	\$ <u>880.00</u>

### PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

<input checked="" type="checkbox"/> [ X ]	Check is attached for the sum of	\$ <u>880.00</u>
<input type="checkbox"/> [ ]	Charge Account <u>04-1105</u> the sum of	\$ _____
<input type="checkbox"/> [ ]	Charge Credit Card the sum of (Credit Card Payment Form (PTO-2038) attached.)	\$ _____

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

<input checked="" type="checkbox"/> [ X ]	Account <u>04-1105</u> .
<input type="checkbox"/> [ ]	Credit Card (Credit Card Payment Form (PTO-2038) attached.)

### INVENTORSHIP

9. This application as amended names as inventors:

<input checked="" type="checkbox"/> [ X ]	the same inventors as previously designated for the claims.
<input type="checkbox"/> [ ]	fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48  
is/has separately:  
☐ being filed  
☐ been filed

Date: September 3, 2004

Reg. No. 27,840

Tel. No.: (617) 517-5508

Customer No.: 21874

457195

David A. Tucker  
**SIGNATURE OF PRACTITIONER**

David A. Tucker  
(type or print name of practitioner)  
Attorney for Applicant(s)

Edwards & Angell, LLP  
P.O. Box 55874  
P.O. Address

Boston, MA 02205



Attorney Docket No. 49,975 RCE (70904)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): I. Nakano EXAMINER: Battaglia, Micheal V.  
SERIAL NO.: 09/619,279 GROUP: 2652  
FILED: July 19, 2000  
FOR: LENS, OPTICAL PICKUP DEVICE, AND METHOD FOR  
DETECTING LENS INCLINATION

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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No. **EV 437816226 US**), and is addressed to the Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 3, 2004.

By: Kathryn A. Grindrod  
Kathryn A. Grindrod

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MAIL STOP: RCE  
COMMISSIONER OF PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT ACCOMPANYING REQUEST  
FOR CONTINUED EXAMINATION**

Pursuant to the requirements of 37 CFR 1.114 concerning a "submission" to be filed with a Request for Continued Prosecution, Applicant respectfully submits this Amendment responsive to the Office Action dated May 12, 2004. It is respectfully requested that the above-identified case be amended as follows prior to its further substantive consideration by the Examiner: